

Remarks

Claims 1-11, 13-41, 43-70 and 72-175 remain pending and stand rejected. No claims are amended herein. The Assignee respectfully traverses the rejections and requests allowance of claims 1-11, 13-41, 43-70 and 72-175.

Claim Rejections Under 35 U.S.C. § 103 Employing Groath and Dev

Claims 1-11, 13-16, 18, 19, 27-41, 43-46, 48, 49, 57-70, 72-75, 77, 78, 86-104, 106, 107, 115-133, 135, 136, 144-161, 163, 164 and 172-175 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Groath and Dev. The Assignee respectfully traverses the rejection in light of the following discussion.

Claim 1 sets forth a method for providing performance information of a communication network that includes, in part, "generating a graphical format of the performance information; and *storing the graphical format of the performance information in a repository....*" (Emphasis supplied.) Claims 31, 90 and 119 are similarly amended. Further, claims 61 and 148 provide a performance management system having "a database system configured to store the performance information and *the graphical format of the performance information.*" (Emphasis supplied.) In some examples, storing the graphical format of the performance information allows faster presentation of the same graphical format to multiple users, as the graphical format need not be generated from the same performance information more than once.

Groath

The Office action alleges that Groath discloses "a database system configured to store the performance information (col. 10, lines 15-24) and the graphical format of the performance information (col. 11, lines 43-62){Groath disclosed that the collected performance data is stored in the database and is then conveyed graphically to disclose the availability of the network, hence the performance data has to be stored in some form of graphical format in the database (col. 10 on lines 21-24)."} (Page 3 of the Office action.) The Assignee disagrees with the allegation.

As discussed in a previous response, Groath discloses "an architecture which is capable of monitoring a network for events and checking system functions and resources." Column 10, lines 2-6. Also, "[r]eports on system performance, errors, etc. can be generated and output."

Column 10, lines 9-10. In addition, the network status data generated “is then stored in a database. *Thereafter, network availability is conveyed graphically.*” (Summary, column 2, lines 21-23.) More specifically, Fig. 16 indicates that *data* matching requested parameters for a report *are retrieved from a database* and then used to generate a graph. “A *database* is polled in operation 1602 for *data that matches the report parameters*. A graph is generated in operation 1604 from the data that matches the report parameters. In operation 1606, the generated graph is displayed to graphically represent the monitored elements, services, and processes of the network.” (Column 65, lines 29-34.) Thus, Groath does not teach or suggest *storing* a graphical format of performance information, as provided for in claims 1, 31, 61, 90, 119 and 148.

The Office action points to column 10, lines 15-24, and column 11, lines 43-62, of Groath for support. However, the portion cited in column 10 specifically states that “[t]he data collected on the status of the network is manipulated and stored in a database. See operations 206 and 208. In operation 210, availability of the network is conveyed graphically.” (Column 10, lines 21-24.) In column 11, Groath indicates that “log files containing performance statistics gathered by a monitoring program can be transferred to a central server for processing by the Performance Data Manipulator [PDM]....” (Column 11, lines 47-50.) Thereafter, “[t]he PDM converts the log files from formats specific to a particular monitoring program into a common format. PDM then formats the file based on *data warehousing techniques* which include converting nodes and performance metrics to *key codes* which are stored in the database. The coded data file is *then bulk loaded into the database.*” (Column 11, lines 56-61; emphasis supplied.) At no point does Groath mention storing a graphical format of performance information to a database, as provided by claims 1, 31, 61, 90, 119 and 148 of the present application. In fact, Groath makes specific mention of storage of key codes by way of data warehousing techniques, which necessarily employ a numeric format, and not a graphical format.

As for the comment in the Office action that “Groath disclosed that the collected performance data is stored in the database and is then conveyed graphically to disclose the availability of the network, *hence the performance data has to be stored in some form of graphical format in the database...*,” (Page 3 of the Office action; emphasis supplied), such an assertion is false. If data is converted into a graphical format, such a conversion may be performed before storage (as in claims 1, 31, 61, 90, 119 and 148 of the present application), or after storage (as in Groath). As mentioned above, in some embodiments of the present

application, storing of the graphical information provides the advantage of using that same graphical information in future reports without having to perform the graphical conversion again. (See page 45, line 25, to page 46, line 10, of the present application.)

Dev

Similarly, Dev provides a network management system which “can poll or communicate with certain network entities and can infer the status of network connectors and other network entities for which polling is impossible or impractical.” (Abstract.) A user interface of the system provides information concerning the network to a user. (Column 12, lines 27 and 28.) For example, views showing performance information pertaining to a selected network device may be provided by way of the user interface. (Column 14, lines 54-67.) The system further includes “a database manager 16 which manages the storage and retrieval of disk-based data. Such data include configuration data, an event log, statistics, history and current state information.” (Column 3, lines 60-63.) However, Dev does not teach or suggest storing a graphical format of performance information, as provided for in claims 1, 31, 61, 90, 119 and 148.

Thus, given the foregoing, the Assignee asserts that claims 1, 31, 61, 90, 119 and 148 are allowable in view of the combination of Groath and Dev, and such indication is respectfully requested.

In addition, claims 2-11, 13-16, 18, 19 and 27-30 depend from independent claim 1, claims 32-41, 43-46, 48, 49 and 57-60 depend from independent claim 31, claims 62-70, 72-75, 77, 78 and 86-89 depend from independent claim 61, claims 91-104, 106, 107 and 115-118 depend from independent claim 90, claims 120-133, 135, 136 and 144-147 depend from independent claim 119, and claims 149-161, 163, 164 and 172-175 depend from independent claim 148. Thus, each of these claims incorporates the limitations of their corresponding independent claims. Therefore, the Assignee contends that claims 2-11, 13-16, 18, 19, 27-30, 32-41, 43-46, 48, 49, 57-60, 62-70, 72-75, 77, 78, 86-89, 91-104, 106, 107, 115-118, 120-133, 135, 136, 144-147, 149-161, 163, 164 and 172-175 are allowable for at least the reasons given above with respect to independent claims 1, 31, 61, 90, 119 and 148, and such indication is respectfully requested.

Therefore, given the foregoing discussion, the Assignee respectfully requests the withdrawal of the obviousness rejection of claims 1-11, 13-16, 18, 19, 27-41, 43-46, 48, 49, 57-70, 72-75, 77, 78, 86-104, 106, 107, 115-133, 135, 136, 144-161, 163, 164 and 172-175.

Claim Rejections Under 35 U.S.C. § 103 Employing Groath, Dev, Moura and Opoczynski

Claims 17, 47, 76, 105, 134 and 162 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Groath and U.S. Patent No. 6,411,606 to Moura et al. (hereinafter "Moura"). (Page 7 of the Office action.) Also, claims 20, 50, 79, 108, 137 and 165 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Groath and U.S. Patent No. 5,519,830 to Opoczynski (hereinafter "Opoczynski"). (Page 8 of the Office action.) In addition, claims 21-26, 51-56, 80-85, 109-114, 138-143 and 166-171 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Groath, Opoczynski and Moura. (Also page 8 of the Office action.) Further, given the use of Dev in the rejection of the independent claims, the Assignee assumes that Dev is also employed as a basis for each of these rejections. The Assignee respectfully traverses these rejections in light of the current amendments to claims 1, 31, 61, 90, 119 and 148, in conjunction with the foregoing remarks.

More specifically, since claims 17 and 20-26 depend from independent claim 1, claims 47 and 50-56 depend from independent claim 31, claims 76 and 79-85 depend from independent claim 61, claims 105 and 108-114 depend from independent claim 90, claims 134 and 137-143 depend from independent claim 119, and claims 162 and 165-171 depend from independent claim 148, each of these claims incorporates the provisions of their respective independent claims. Thus, the Assignee asserts that claims 17, 20-26, 47, 50-56, 76, 79-85, 105, 108-114, 134, 137-143, 162 and 165-171 are allowable for at least the reasons provided above for claims 1, 31, 61, 90, 119 and 148, as none of Groath, Dev, Opoczynski or Moura teach or suggest storing a graphical format of performance information, as provided for in the independent claims. Therefore, the Assignee respectfully requests withdrawal of the obviousness rejections of claims 17, 20-26, 47, 50-56, 76, 79-85, 105, 108-114, 134, 137-143, 162 and 165-171.

Conclusion

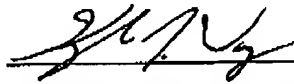
Based on the above remarks, the Assignee submits that claims 1-11, 13-41, 43-70 and 72-175 are allowable. Additional reasons in support of patentability exist, but such reasons are

omitted in the interests of clarity and brevity. The Assignee thus respectfully requests allowance of claims 1-11, 13-41, 43-70 and 72-175.

The Assignee believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765.

Respectfully submitted,

Date: 3/14/06



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